United States
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Agriculture

Forest
Service

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Appendix E

MORRISON RUN PROJECT

Response to Comment Summary

Bradford Ranger District, Allegheny National Forest

This document is available in large font. Please contact the Bradford Ranger District at 814.363.6000 for a large font document if needed.

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COMMENT PERIOD AND COMMENTERS

The 30-day Comment Period for the Morrison Run Project Environmental Assessment ended on December 09, 2011. Additional letters sent after the December 09, 2011 Comment Period deadline were added to the project record.

The following comment letter number, commenter, and type of letter are as follows:

Letter No.	Commenter	Type of Letter
1	Anonymous	Letter received electronically
2	Rick Mauk	Letter received electronically
3	Kelly Morris, John W. Parana	Form comment letter copied from scoping comment form letter, received electronically
4	Norma Van Dyke, Paul Burroughs, Jennifer Foulk, John McClelland, Randy Francisco, Michael Harter, Jan Burkness, Sarah Caspar, Aaron Birk, Vivian Schatz, Susan Reiss, Henry Berkowitz, Karen MacInnes, Melanie Bowser, Chad Doverspike, Joseph DeVito, Allison MacInnes, Benita Campbell, Lori Kier, William Ricci, Ronald Gulla, Lisa Rae Vaughan, N Vaughan, Robert Boleky, John W. Parana, Sue Murawski, Megan Rulli, Barb Kero, David Hiebert, Amie Glace, Carl Klein	Form comment letter, received electronically
5	Cathy Pedler (1)	Form comment letter, received electronically
6	Cathy Pedler (2), Allegheny Defense Project	Form comment letter and multiple attachments were received electronically
7	Ernie Reed, Heartwood Council Chair	Letter received electronically

The Responsible Official and the Morrison Run Project Interdisciplinary Team reviewed the comments and responded to those received for the project. The letters were numbered and the comments were broken out by topic and lettered. All Comment letters are provided in the Morrison Run Project Record.

ENVIRONMENTAL IMPACT STATEMENT

The following comments (1-A, 3-F, 3-G, 4-J, 5-M, 6-L, 4-1A, 6-M, and 7-L) express an an opinion that the activities described in the Morrison Run Project proposal require preparation of an environmental impact statement (EIS). The Forest Service response follows.

COMMENT 1-A:

this should be an eis. you are planning substantial changes. it reques a detailed eis not a cheap sloppy ea.

COMMENT 3-F: (FORM LETTER, SAME AS SCOPING FORM LETTER), COMMENT 3-G: (FORM COMMENT LETTER, SAME AS SCOPING FORM LETTER), COMMENT 4-J: (FORM COMMENT LETTER), COMMENT 5-M, COMMENT 6-L

The Forest Service must prepare an EIS for this project to study its presumed need for prescribed fire as a management tool, the need to create early and late structural habitat, and to conduct an actual site-specific level of analysis that focuses on the specific conditions of treatment areas that includes data such as stand composition, species surveys in the site-specific treatment areas (e.g., entomological, and mycological surveys, and surveys for the existence of wetlands, vernal pools, forested bogs, springs, etc). In an EIS the Forest Service must develop a broad range of alternatives including an alternative that does not use even-aged management practices, expansion of stone pits, herbicide application, and the construction or reconstruction of roads.

COMMENT 4-1A: (FORM COMMENT LETTER)

The Forest Service must prepare an Environmental Impact Statement (EIS) for the Morrison Run Project because the context and intensity of the proposed action meet the requirements of significance as outlined in 40 CFR 1508.27.

COMMENT 7-L

4. NEPA EIS Analysis a. The USFS must prepare an EIS to study the proposed action in the context of cumulativeeffects relative to carbon sequestration and climate change b. The USFS must prepare an EIS to study its presumed need to use prescribed fire as amanagement tool. There is no fire threat in the Allegheny National Forest. The term "wildland-urbaninterface" is virtually unknown in the northeastern U.S. and for good reason – there is no wildfirethreat. The reason the term "wildland-urban interface" is inappropriate for the Allegheny is clear.The term clearly refers to areas primarily in the western U.S. where there are significant"wildlands" that are increasingly encroached upon by private development around their perimeters.The Allegheny is nothing like this as the area was already extensively developed prior to thenational forest being designated. Thus, there really is no "interface" as the entire Allegheny hasextensive communities and camps scattered on private in-holdings throughout the forest.Commercial logging does not prevent catastrophic fires, it causes them. The EIS analysis needs to consider the impacts regarding the use of prescribed burn in an area heavily utilized for oil and gas extraction, with uncounted abandoned wells, pipelines and infrastructure from previous industry development, and with

the advent of the highly controversial extraction technique of hydraulic fracturing which most recently resulted in a disastrous well blow-out in Clearfield County, and the migration of methane and other contaminates to the bed of the Susquehanna River where the gas has migrated and is bubbling out. The Forest Service must conduct an EIS to determine the effects of prescribed burning on air quality, and public safety in the context of current and past oil and gas extraction and unconventional hydrocarbon extraction within the Forest boundaries on in-holdings, and within at least two miles of the boundaries of the Forest given the horizontal drilling practices and gas migration potential. c. The USFS must prepare an EIS to study the need to create early and late structuralhabitat. The Forest Service must consider available early successional habitat on private and other agency.lands within the proclamation boundary and surrounding the Allegheny National Forest. The Forest Service must disclose in an Environmental Impact Statement (EIS) how much early successionalhabitat is available on these other lands before claiming there is a need to cut trees on the nationalforest. The Forest Service must analyze the early successional habitat on non-National Forest System lands in an EIS for the Morrison Run Project. Since most of Pennsylvania's forestland is privately owned and, when considered with other agency lands, such as State Game Lands, which are heavily managed for early successional habitat, it is quite clear that there is certainly no shortage of early successional habitat across the state, including the Allegheny region. If anything, the habitat that is in short supply is remote, unfragmented forests and that is where the Forest Service's management priorities should be – not creating more early successional habitat. d. The Forest Service must conduct a site-specific analysis for the Morrison Run Project inan EIS. On the ANF, the Forest Service has never conducted a site-specific analysis of the cumulative impacts of existing oil and gas drilling or drilling forecast for the reasonably foreseeable future for any Vegetative Management Project. The Forest Service has never conducted a stand-level, site-specific analysis of vegetative treatments. e. An EIS must be developed that acknowledges the past, present and reasonably forseeable future impacts of Morrison Run and other related and adjacent projects. Although the Forest Service references the so-called "site-specific" Oil and Gas Development on the Allegheny National Forest, this analysis has not yet been provided to the public, and no analysis of the site specific details of current and reasonably foreseeable future oil and gas development exists in the context of the Morrison Run project. It is not sufficient to provide NEPA level analysis that has not completed the NEPA process and has not been formally provided for public comment and review. The Forest Service can only tier to NEPA-compliant documents. The Forest Service can only incorporate by reference documents that were not prepared for the purpose of complying with NEPA. The Forest Service cannot satisfy its NEPA obligations by tiering to or incorporating by reference unfinished NEPA analysis.Additionally, the Forest Service has never conducted a site-specific, stand-level analysis ofvegetative treatments. The analysis provided by the Forest Service is on the project level, not on thelevel of the individual proposed actions. In conclusion, The Forest Service must re-scope and then prepare an EIS for the Morrison Run Project that includes all of the above issues and aspects and that includes all of the projects contiguous with Morrison Run including Morrison Run, Upper Kinzua, North End, and Southwest Reservoir Projects. These contiguous projects collectively amount to almost 11,000 acres of evenaged management, and over 6,000 acres of herbicide application. The Forest Service has arbitrarily and capriciousy broken these projects into component parts so that the agency can obscure the significance of the proposedactions, especially in the context

of the intensive conventional and unconventional oil and gasextraction (and the industrialization of the landscape) that is occurring on the ANF and in theproject areas. These activities will have a significant impact on the environment and require the preparation of an EIS to fully disclose these impacts to the public.

FOREST SERVICE RESPONSE #1:
The NEPA requires that Federal agencies prepare an EIS that, among other things, details "the environmental impact of the proposed action." The controlling criteria for determining the need for an Environmental Impact Statement (EIS) is whether or not an action is likely to have a significant effect on the quality of the human environment [Section 102(2)(C), National Environmental Policy Act (NEPA), Public Law 91-190]. In defining the term "significantly" at Section 1508.27 in the regulations, Council on Environmental Quality (CEQ) states that both the context and intensity of an impact must be evaluated. The requirement for the preparation of an EIS would be triggered if an analysis of direct, indirect and cumulative effects concludes that significant effects are likely to occur. The size of the project area is not by itself a factor that determines the need for an EIS.

An EIS, however, is not required if the agency first prepares an environmental assessment (EA) that provides "sufficient evidence and analysis" that an EIS is not necessary because the proposed action will not significantly affect the quality of the human environment (40 CFR 1508.9). The Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Morrison Run project considered the context and intensity factors of 40 C.F.R. 1508.27 and documents the findings of the Responsible Official (Bradford District Ranger) with respect to significance, and a determination was made that no significant effects are likely or expected that would trigger the need to prepare an EIS.

The Morrison Run project was developed considering the desired condition, goals, and objectives as set forth in the ANF Forest Plan (USDA FS 2007). An EIS (2007) was prepared to disclose environmental effects of the Forest Plan. The Morrison Run Environmental Analysis (EA) tiers to and incorporates by reference the Forest Plan. The EA comprises a site-specific analysis that considers past, present and reasonably foreseeable future impacts within the Morrison Run project area and other related and adjacent projects approved by previous decisions. The project record documents the analysis and findings with regard to the non-significance of the environmental effects and the rationale for the selected alternative. The Design Criteria in the ANF Forest Plan provide proven, effective protective measures for resources like soils, water, vegetation, heritage, and wildlife.

EIS CONTEXT AND INTENSITY

The following comments (3C, 4B) refer to the Forest Service preparing an EIS based on context and intensity.

COMMENT 3-C (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER):

The Forest Service must prepare an Environmental Impact Statement (EIS) for the Morrison Run Project because the context and intensity of the proposed action meet the requirements of significance as outlined in 40 CFR 1508.27

COMMENT 4-B: (FORM COMMENT LETTER)

The intensity factors involved in the proposed Morrison Run Project include the following: 1) The unique characteristics of the area outlined above (40 CFR 1508.27 (b) 3).

COMMENT 4-F, 5-I, 5E, 6-D: (FORM COMMENT LETTER)

The intensity factors involved in the proposed Morrison Run Project include the following: 5) For all of the reasons listed above this project is controversial (40 CFR 1508.27 (b) 4).

FOREST SERVICE RESPONSE #2:

The Morrison Run EA carefully examined context and intensity of proposed actions which were based upon field data, review of published science, consideration of past experience with similar projects, and professional expertise (see DN/FONSI). The project record documents the analysis, findings, and conclusions that support the Responsible Official's decision. The direct, indirect, and cumulative effects upon water, wildlife, air, soil, and other multiple-use resources were documented. The environmental assessment was made available to the public, and the comments received were carefully considered. No information submitted to the agency regarding potential environmental effects was ignored. In the light of the comments received, the Responsible Official carefully examined the effects analysis to ensure that the analysis, findings, and conclusions complied with applicable federal laws.

The following comments 3-D, 4-E, 6-G, 6-H refers to the species analysis related to an Environmental Impact Statement.

COMMENT 3-D (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER):

The breaking up of contiguous projects including Southwest Reservoir, Morrison Run, and a logging plan for north of Sugar Bay and Route 321. The Forest Service's identification of proposed clear-cut areas over 40 acres in size as "temporary openings" (40CFR 1508.27 (b) 7).) The fact that a portion of the project area will directly affect the Allegheny River and Reservoir, home to endangered and threatened species of mussels. The cumulative effect that the proposed action will have on the continued fragmentation of the ANF, which will certainly threaten habitat for species like the Goshawk, Cerulean Warbler, and others which need large areas of un-fragmented forested habitat. The project will also add to the cumulative impact on the 78 species with potential viability concerns on the ANF (five are

threatened or endangered with two candidate species, 61 are RFSS with two candidate species) (USDA-FS 2007b). The current 2007 Forest Plan developed does not halt the decline of species viability for numerous species on the forest (40CFR 1508.27 (b) 9).

COMMENT 4-E: (FORM COMMENT LETTER), 6-G, 6-H

The intensity factors involved in the proposed Morrison Run Project include the following: 4) The fact that a portion of the project area will directly affect the Allegheny River and Reservoir, home to endangered and threatened species of mussels. The cumulative effect that the proposed action will have on the continued fragmentation of the ANF, which will certainly threaten habitat for species like the Goshawk, Cerulean Warbler, and others which need large areas of un-fragmented forested habitat. The project will also add to the cumulative impact on the 78 species with potential viability concerns on the ANF (five are threatened or endangered with two candidate species, 61 are RFSS with two candidate species) (USDA-FS 2007b). The current 2007 Forest Plan developed does not halt the decline of species viability for numerous species on the forest (40CFR 1508.27 (b) 9).

FOREST SERVICE RESPONSE #3:

The Morrison Run project record documents extensive field work and resource survey efforts undertaken to understand and describe the potential environmental effects of the proposed actions. Survey information for Federal Threatened and Endangered (T&E) species, Regional Forest Sensitive Species (RFSS),Management Indicator Species (MIS), species with viability concerns, etc. can be found in the Appendix C: project BE and project BA, and the wildlife report project file. Determinations for Federally Threatened, Endangered, and Candidate species and for RFSS are listed in the EA, BA, and BE. The potential effects to wildlife species are analyzed in Chapter 3 of the Morrison Run EA and also in the Appendices (Biological Assessment and Biological Evaluation). In addition, the Morrison Run project record provides the scientific data and analysis to support the EA. The decision documentation (DN/FONSI) incorporates the analysis set forth in the EA and is informed by the specific discussions, by resource, included in the EA and referenced documents in the project record.

The Forest relied on published science, State BMPs, and other sources of scientific information to support its conclusion of non-significance. In applying its expertise, the Forest reviewed the effects of similar projects on the environment, and focused on mitigation efficacy. There is no evidence presented in this comment or otherwise to suggest that the Morrison Run Project will have significant adverse environmental effects.
The DN/FONSI considers the context and intensity factors of 40 C.F.R. 1508.27 and documents the findings of the Responsible Official that the Morrison Run project contains no significant effects to wildlife species that would trigger the need to prepare an EIS.

The following comments 7-C, 7-D refers to the site specific analysis related to an Environmental Impact Statement.

COMMENT 7-C

b. The Forest Service must prepare an EIS for this project to conduct an actual site-specific level of analysis that focuses on the specific conditions of treatment areas and includes data

such as standcomposition, species surveys in the site-specific treatment areas (e.g., entomological, andmycological surveys, and surveys for the existence of wetlands, vernal pools, forested bogs, springs,etc). These data were not provided during the scoping process.

COMMENT 7-D

c. A sitespecific level of analysis was also not included in the EA and site-specific data was not supplied to the public in the EA documents. The Forest Service does not show site-level analysis, onlyproposed site-level action (see the image below). The project documents provide no indication ofthe attributes of the site-specific areas except for their location on the landscape and perhaps the ageand character of the trees (the extractable resource) at the site. There is no data in scoping and noanalysis in the EA on the site-specific, compartment and stand level.

FOREST SERVICE RESPONSE #4:

A site specific analysis and effects is disclosed in Chapter 3 and Table 4 (Summary of effects) of the Morrison Run Environmental Assessment Report. The analysis was tiered to the ANF Forest Plan and Record of Decision (ROD) (USDA-FS 2007a); and Final Environmental Impact Statement (FEIS) (USDA-FS 2007b). Chapter 3 of the FEIS provides an analysis of the following resources on the ANF and is incorporated by reference into this EA (USDA-FS 2007b): Air; p. 59, Economics; pp. 399-443, Heritage; pp. 380-384, Human health and safety; pp. 419-443, Hydrology; pp. 22-51, OGD; pp. 3-7, Recreation; pp. 296-328, Scenery; pp. 370-380, Soils; pp. 7-21, Transportation; pp. 64-74, Vegetation; pp. 77-179, Habitat; pp. 194-204. In addition, the approved EAs and EISs listed in Chapter 1 of the EA provide information to support this analysis.

Supporting information on private OGD on the Forest was provided in the following white papers: Programmatic Effects of Private Oil and Gas Activity on the Allegheny National Forest (USDA-FS 2010a, unpublished) and Site-Specific Oil and Gas Development on the Allegheny National Forest (USDA-FS 2010b, unpublished).

Supporting resource analysis for air, soils, vegetation, wildlife and transportation are located in the project record. The Biological Assessment (BA) for Federally Listed Threatened and Endangered Species and the Biological Evaluation (BE) for Regional Forester Sensitive Species are provided in Appendix C.

On the ANF, aquatic and riparian ecosystems are primarily free-flowing, with some impoundments for recreation and wildlife. Riparian dependent vegetation, animals and their habitats, such as seeps, springs, vernal ponds and other unique areas are conserved. There are features such as riparian areas, poorly drained soils, visually sensitive areas, and habitat for species with viability concerns where active management would be limited or deferred. The ANF Forest Plan directs the application of site-specific prescriptions to restore compositional and/or structural diversity of riparian corridors on 50 to 100 acres annually during the plan period (USDA-FS, 2007a, ROD p. 7, 26, and FP p. 26). Riparian treatments proposed in the project area are to improve water quality and habitat for riparian dependent species. See Chapter 3 of the EA for the effects analysis of riparian areas.

THE DEVELOPMENT OF ALTERNATIVES

COMMENT 3-H: (Form Comment Letter, Same as Scoping Comment Form Letter) COMMENT 4-K: (FORM COMMENT LETTER), COMMENT 6-M

In an EIS the Forest Service must develop a broad range of alternatives including an alternative that does not use even-aged management practices, expansion of stone pits, herbicide application, and the construction or reconstruction of roads.

FOREST SERVICE RESPONSE #5:

NEPA only requires that federal agencies consider "reasonable" alternatives. What constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case. CEQ implementing regulations at 40 C.F.R. 1500 direct federal agencies to focus on truly significant issues and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (1501.7(a)(3); 1500.5(d)). Alternatives that are impractical, infeasible, or do not meet the purpose and need set forth for the proposal need not be analyzed in detail. Impacts shall be discussed in proportion to their significance (1502.2 (b)). In a finding of no significant impact, there should be only enough discussion to show why more study is not warranted (1502.2(b)).

Alternatives developed for the Morrison Run project are intended to address the Purpose and Need statements for the project. These statements are linked directly to goals and objectives for individual Management Areas (MAs) contained within the Forest Plan. These statements include Forest Plan objectives for achieving early structural age class objectives, managing insect and disease issues, regenerating oak stands maintaining and enhancing transportation systems, limit the introduction and/or introduction of nonnative invasive plant species and providing diverse and specialized habitats across the landscape (EA p.9-10).

Alternative 1 (no action) does not propose even-aged management, expansion of stone pits, herbicide application and construction and reconstruction of roads. Alternative 1 does not achieve the Purposes and Needs for the project. Alternative 3 was developed in response to comments from the public regarding temporary openings exceeding 40 acres, effects of vegetation treatment along trails and new road construction contributing to fragmentation. Alternative 3 reduces the size of uneven-aged management areas, eliminates new road construction for timber management activities and associated pit expansion, reduces road reconstruction, and reduces the total area subject to herbicide application. A summary of effects from implementing the three alternatives is at EA Table 4 (p. 21).

See Chapter 2 of the Morrison Run EA and the Scoping Summary.

MULTIPLE PROJECTS

The following comments (3-A1, 6-F, 7-A, 7-E) refer to Connected Actions and Similar Action.

COMMENT 3-A1 (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER):

The Morrison Run Project represents the fifth logging project this year on the Allegheny National Forest (ANF), including Southwest Reservoir, Coalbed Run, De Young, and Pine Bear. These projects collectively represent over 19,000 acres of even-aged management (serial clear-cuts), and 7,188 acres of herbicide application, in addition to on-going logging and "treatments" on other previously approved projects. …The project area is directly adjacent to the Tracy Ridge National Recreation Area and the Sugar Run/Chestnut Ridge proposed wilderness area. The project area also includes Kinzua Bay, Chappel Bay, Rimrock, Kinzua Beach, Kinzua Heights, Pine Grove, Morrison Run, the National Scenic Byway, the North Country National Scenic Trail, and the Morrison Trail.

COMMENT 4-D: (FORM COMMENT LETTER), Comments 5-6, 6-F

The intensity factors involved in the proposed Morrison Run Project include the following: 3) The breaking up of contiguous projects including Southwest Reservoir, Morrison Run, Upper Kinzua, North End and a logging plan for north of Sugar Bay and Route 321 (40CFR 1508.27 (b) 7).

COMMENT 5-A1, 6A1.

The Morrison Run Project represents the ninth logging project in the past two years on the Allegheny National Forest (ANF), including Southwest Reservoir, Upper Kinzua, Coalbed Run, De Young, and Pine Bear. These projects collectively represent over 19,000 acres of even-aged management (serial clear-cuts), and 7,188 acres of herbicide application, in addition to on-going logging and "treatments" on other previously approved projects. …The project area is directly adjacent to the Tracy Ridge National Recreation Area and the Sugar Run/Chestnut Ridge proposed wilderness area. The project area also includes Kinzua Bay, Chappel Bay, Rimrock, Kinzua Beach, Kinzua Heights, Pine Grove, Morrison Run, the National Scenic Byway, the North Country National Scenic Trail, and the Morrison Trail.

COMMENT 7-A

1. Cumulative Impacts The Morrison Run Project, located proposes actions including almost 5,000 acres of even-aged management and 1,366 acres of herbicide application. The Morrison Run Project represents the ninth project in the past two years in the same general area, many projects of which are adjoining, including Southwest Reservoir, Upper Kinzua, North End, Coalbed Run, De Young, Millsteck, Salmon West, and Pine Bear. These projects collectively represent over 27,000 acres of even-aged management, over 15,000 acres of herbicide application, ongoing logging and "treatments" of other projects, including the East Side Project, FY07 regeneration Project, Meads Mills Project, and Porkey Heights. The Forest Service continues to manipulate project boundary definitions, by breaking up adjacent projects that should be considered as one project. The Morrison Run Project represents the fifth project this year, including Southwest Reservoir, Coalbed Run, De Young, and Pine

Bear. These projects collectively represent over 19,000 acres of even-aged management (i.e., clearcutting), over 7,000 acres of herbicide application, in addition to on-going logging and "treatments" of other projects. These cumulative impacts need to be considered in a NEPA compliant full Draft Enviromnental Impact Statement.

COMMENT 7-E

d. The Forest Service must re-scope and then prepare an EIS that includes all of the projectscontiguous with Morrison Run including Morrison Run, Upper Kinzua, North End, and SouthwestReservoir Projects. These contiguous projects collectively amount to almost 11,000 acres of evenagedmanagement, and over 6,000 acres of herbicide application.

FOREST SERVICE RESPONSE #6:

40 CFR 1508.25 provides guidance to help determine whether actions must be considered in the same impact statement (for connected and cumulative actions) or may be considered in separate impact statements (for similar actions).

Many of the projects on the ANF include similar proposed activities, but the effects of the alternatives in the projects are analyzed separately because the actions are not connected or expected to have a significant cumulative impact according to 40 CFR 1508.25. The rationale for not conducting an EIS is clearly documented in the Finding of No Significant Impact (FONSI) for both past projects and the Morrison Run project. The projects stated were designed to implement the goals and objectives of the 2007 Forest Plan. The Forest Plan FEIS documents (2007) thoroughly identified the effects of the selected alternative Cm on a wide range of biological, physical and social resources.

The direction included in 40 CFR 1508.25, provides guidance to help determine whether actions are connected or merely similar. Connected actions need to be considered in one environmental analysis. Actions that are similar in nature do not necessarily need to be included in the same analysis. Several basic questions are addressed when developing actions.

ANF harvest activities can be considered to be similar actions. The decision to pursue the harvest action is based upon individual stand conditions that are not interdependent. Multiple projects can be proposed that are similar in nature, and that they are not connected actions. It is logical to group together similar actions based on the watersheds or local transportation systems.

Actions that must be considered in the same analysis (connected actions): The CEQ provides direction to help determine whether actions are connected or not. In 40 CFR 1508.25, "Actions are connected if they:

- Automatically trigger other actions which may require environmental impact statements;
- Cannot or will not proceed unless other actions are taken previously or simultaneously;

- Are interdependent parts of a larger action and depend on the larger action for their justification."

Generally, silvicultural proposals designed to achieve Forest Plan age-class diversity goals and objectives will include commercial harvest and reforestation treatments needed to ensure successful stand regeneration. Stands are selected based upon age and stocking criteria, and overall health; treatments are based upon the specific conditions found within the stand. For example, a dense understory of fern would indicate that an herbicide application was needed or a dense midstory layer of vegetation would indicate that the removal of low shade was needed, etc. The combination of a shelterwood seed harvest, reforestation treatments and shelterwood removal harvest would be considered to be connected actions, because they are all needed to achieve the long term management objective of stand regeneration within a particular stand. Harvest objectives met without the coordination of treatments between stands; do not depend on the combination of actions to meet objectives. Stand selection is based upon the specific needs of the stand, based on the purpose and need for action within the project area. All live healthy trees left on a site are an existing seed source to provide reforestation options, whether or not the stand receives harvesting in a separate action from another treatment. Treatments proposed within watershed areas are likely to include harvesting, as well as reforestation. In stands where regeneration treatments are proposed, the treatment will include the removals– which would mean that the harvest and reforestation decisions need to be made at the same time. These would therefore be considered interdependent actions and would need to be considered within the same analysis. Many of the projects on the ANF include similar proposed activities, but the effects of the alternatives in the projects are analyzed separately because the actions are not connected or expected to have a significant cumulative impact according to 40 CFR 1508.25.

Projects on the ANF are developed through the goals and objectives of the 2007 Forest Plan, and a project boundary is identified and then purpose and need statements are developed for the project. The purpose and need statements for the Morrison Run project are provided on pages 8 through 11 of the Morrison Run EA. The effects and cumulative effects analysis for Resources is provided in Chapter 3 of the Environmental Assessment Report.

ROAD CONSTRUCTION AND PIT DEVELOPMENT

The following comments (1-D, 1-G, 1-H) express an opposition to new road and pit construction. The Forest Service response follows.

COMMENT 1-D:
i oppose new roads.

COMMENT 1-G:
no new roads should be built

COMMENT:
no expansion of stone pits shuold btake place

FOREST SERVICE RESPONSE #7:
ANF Forest Plan (USDA FS 2007) Management Areas included in the Morrison Run project area are suitable for different Forest Service road management activities. The primary activities associated with Forest Service road management are: (1) reconstruction and maintenance of existing roads; (2) construction, reconstruction, and maintenance of new roads, and (3) development or expansion of rock or borrow pits for construction materials (USDA-FS 2007b, p.36). Some roads that are within the project area are National Forest system roads, while others are non-system (e.g. used to access private minerals).

Objectives of the ANF Forest Plan state: Forest infrastructure, including facilities and transportation systems, would provide a safe, efficient, and economical 'transportation' system that is responsive to public and administrative needs; having minimal adverse effects on ecological processes and ecosystem health, diversity, and productivity; and is in balance with needed management actions (USDA-FS 2007b, p.16).

Road management activities in the Morrison Run Project are necessary to meet the purpose and need of the project area (See the Morrison Run EA p. 10), such as accessing proposed treatment areas and correcting or improving the condition of several Forest Service system roads and non-system roads to reduce the amount of runoff and sediment reaching streams (USDA-FS 2007a pp. 16, 21). FR 267 would be realigned to address safety concerns at its intersection with SR 59. SR 59 facilitates heavy truck traffic at highway speeds. Heavy truck traffic is expected to increase on FR 267, and sight distances to the west are limited on SR 59 from the existing FR 267 entrance. Steep embankments and the narrow road surface present unsafe travel conditions on this portion of FR 267 for vehicles entering or exiting onto SR 59. The pit proposals are necessary for providing material for the road reconstruction (USDA-FS 2007a, p.38).

Potential direct, indirect, and cumulative effects of the proposed transportation activities are analyzed and disclosed in Chapter 3, Environmental Consequences of the EA and considered in the DN/FONSI. The pit activities were proposed to fulfill the Purpose and Need to "Maintain and enhance road systems that allow management of the National Forest Lands and provide public access". See Chapters 1 and 2 of the Morrison Run EA for the pit proposals and the Purpose and Need statements for the project.

See Chapter 3 of the EA for the analysis of the direct, indirect, and cumulative effects of these activities.

VEGETATION MANAGEMENT AND HARVESTING

COMMENT 1-B:
i oppose the "vegetaion management" .this is too broad and i dont see enough specifics.

FOREST SERVICE RESPONSE #8:
The 2007 Record of Decision for the Forest Environmental Impact Statement approves Vegetation Management on the ANF. Appropriate activities for Management Areas have been analyzed and identified by the Forest Plan. Site Specific Treatments are provided in Appendix A

of the EA. The specific vegetation treatments respond to the purpose and need statements for vegetation management on pages 8-11 of the EA.

COMMENT 1-C:

i oppose all logging

FOREST SERVICE RESPONSE #9:

The 2007 Record of Decision for the Forest Environmental Impact Statement approves Vegetation Management on the ANF. Appropriate activities for Management Areas have been analyzed and identified by the Forest Plan.

Sustainable timber and tree harvesting are some of the land uses for the Allegheny NF. The Allegheny NF regularly offers for sale a mix of high value hardwoods, such as black cherry and oak, along with other tree species, such as red maple, beech, yellow poplar, and birch. Vegetation management activities are designed to lead to desired conditions defined by the ANF Forest Plan (USDA –FS 2007b). Timber harvesting supports local logging operations, sustains local jobs and income, and provides valuable products to the national economy. Revenues from either timber sales or the continuation of the Secure Rural Schools Act provide financial support to local schools, township roads, and county activities. Biomass and special forest products also contribute benefits to the community (USDA Forest Service 2007a, p10).

COMMENT 2-A:

I just finished reading Appendix B of the Bradford Ranger District's Morrison Run Project. The direction of the United States Forest Service in this document is disappointing. 99% of those who commented showed concern about the extent of the management activities. All of these concerns were dismissed by cookie cutter responses. It was only acknowledged that management activities will affect primitive recreational users.

FOREST SERVICE RESPONSE #10:

The Morrison Run project was developed considering the desired condition, goals, and objectives as set forth in the ANF Forest Plan (USDA FS 2007). Its objectives are to meet the purpose and need statements developed by the Interdisciplinary Team for the project. The purpose and need statements for the Morrison Run project are provided on pages 8 through 11 of the Morrison Run EA. The project record documents the analysis and findings with regard to the non-significance of the environmental effects and the rationale for the selected alternative. The Design Criteria in the ANF Forest Plan provide proven, effective protective measures for resources like soils, water, vegetation, heritage, and wildlife. In addition, site specific mitigation measures were developed to protect resources (See page 20 of the Morrison Run EA)

Public participation was a key part of Morrison Run project development. During the scoping process the Forest provided numerous documents that provide a comprehensive description of the proposed action. The NEPA and its regulations provide considerable discretion as to the detail required to describe the agency's proposal. The "Morrison Run Project Proposed Action" details individual treatments in terms of their relevance to the Forest Plan, as well as their spatial and temporal context on the Forest. The included maps

further identified the locations of proposed treatments. The "Scoping Letter" instructed interested parties as to the means by which they could comment on the proposals. Responses to Public Scoping were provided in Appendix B of the EA. Significant Issues formed from the Scoping Responses were incorporated into Alternative 3.

CHEMICAL REFORESTATION TREATMENTS

COMMENT 1-E:

i oppose use of toxic chemicals in this area. it is notorious that our fedeal agencies are using harmful toxic chemicals in our national lands. that is just plain wrong and very unhealthy. they are not healthful sites any longer because of this use.

COMMENT 4-C: (FORM COMMENT LETTER), 5-F, 6-E

The intensity factors involved in the proposed Morrison Run Project include the following: 2) The unknown consequences of the proposed actions (40 CFR 1508.27 (b) 5). The effects of "treatments" like that proposed in the Morrison Run Project have never been studied on forest mycelium on the ANF. Also the "white papers" that the Forest Service has relied on in other logging projects have out-dated or incorrect data, and the data is not NEPA compliant.

FOREST SERVICE RESPONSE #11:

The comment suggests that herbicide use has only a negative impact on the environment. The effects of proposed activities are disclosed in the Environmental Analysis. Risks associated with herbicide use are discussed within the EA and tiered to an extensive discussion in the 2007 Forest Plan FEIS and its Appendix G. "With the implementation of Forest Plan design criteria, proposed herbicide treatments are anticipated to have negligible effects to public health or safety." The Forest has long-standing experience and much information on the effects of herbicide application, *see Allegheny Defense Project v. Forest Service*, 2004 U.S. Dist. Lexis 29698 (W.D. Pa. Mar. 23, 2004) (affirming analysis of extensive herbicide use on the ANF and, recognizing previous EISs compiled to provide broader scale analysis of herbicide use).

Effects of herbicide and fertilizer used on forest health have been analyzed in the Forest Plan FEIS (USDA-FS 2007b, pp. 3-11–3-13 and Appendix G. The glyphosate formulation applied on the ANF is Accord® and Rodeo®, which are only applied with non-ionic surfactants in order to achieve the same vegetation outcomes, while minimizing risk to other resources.

The Forest Plan FEIS (USDA-FS 2007b) included an extensive updated review of available literature covering the behavior and toxicology of glyphosate and sulfometuron methyl, and a human health risk assessment for the use of glyphosate and sulfometuron methyl on the ANF (USDA-FS 2007b, Appendix G1). This risk assessment evaluated potential hazards to human endocrine and reproductive systems, and carcinogenic risks. That review concluded that the use of glyphosate and/or sulfometuron methyl on the ANF would result in hazard quotients well below the level of any concern, for both workers that apply herbicides and members of the general public, even if they actually contact the treated vegetation (USDA-FS 2007b, pp. G1-1–G1-4, G1-75–G1-91, and G1-131–G1-142). In short, these risks are negligible. The

Forest Plan FEIS (USDA-FS 2007b pp. 3-434 to 3-442) discusses the risk assessment procedure used, results, and mitigation measures to minimize risk to human health from the selective use of herbicides selected areas on the ANF.

A review of the literature suggests that use of glyphosate in forests, especially at typical application rates used to control striped maple, American beech, and hayscented and New York fern does not have lasting impacts on the fungal components in the soil. In boreal forest soils, Tanney and Hutchinson (2010) showed that all fungal species continued to grow with glyphosate concentrations up to 10 ppm in a controlled environment. Estok et al. 1989 found a similar result (no effect on fungi at or below 10 ppm), and they determined that 10 ppm is well above the amount applied in typical forestry applications. Chakravarty and Chatarpaul (1990a) found no reduction of ectomycorrhizal growth in soil at rates of 2.8 lb/ac, almost twice the amount used in forests of Pennsylvania (Horsley 1991) and on the ANF (USDA-FS 2007b, p. 46). However Chakravarty and Chatarpaul (1990b) reported a short-term reduction in fungi following glyphosate application in a greenhouse. Morjan and others (2002) found that glyphosate alone did not reduce entomopathogenic fungi numbers; however, glyphosate formulations containing surfactants (Round-up® products) caused reductions in all tested fungal species. Round-up® products are not applied on the ANF. Glyphosate formulated as Accord® and Rodeo®, which do not contain surfactants and are approved for aquatic uses, is applied on the ANF. Most concern over the use of herbicides on mycelium and mycorrhizal associations comes from agricultural soils where multiple applications are made. In forests, the application usually occurs one time in 90 or more years of forest stand development. While some reductions may occur, it is very likely that these soils will be recolonized by fungal spores. Microbial activity is enhanced by herbicide application (Wardle and Parkinson 1990), resulting in rapid decomposition of the chemicals.

A review of the literature suggests that use of nitrogen and phosphorus fertilizers in forests does not have lasting impacts on the fungal components in the soil, though some studies have suggested that nitrogen negatively impacts certain fungi (Treseder 2004, 2008). These review papers (Treseder 2004, 2008) investigated more than 80 published papers on the topic and used meta-analyses to look for trends across the literature. There were no effects overall of N fertilization on fungi and none across all biomes investigated including forests (Treseder (2008). Fertilization using phosphorus resulted in moderate declines (32 % less than control plots) in the short term, with recovery occurring in time if additions ended (Treseder 2004). Some individual studies can be used to show either positive or negative effects on specific species of mycorrhizal fungi, however taken as a whole, the literature suggests short term changes are likely either from a positive or negative standpoint. Most of the studies have been conducted in conifer plantations, though Beckjord and others (1980) showed nitrogen to increase mycorrhizae formation in red oak. Khasa and others (2001) determined that inoculation of soils with mycorrhizae could reduce the need for fertilization with nitrogen because of more efficient uptake. Others suggest that when the nutrients required are limited, formation of mycorrhizal symbiosis is increased (Treseder 2004, 2008). Menge and others (1977) suggested that mycelium responds differently to different elements with phosphorus increasing some species and nitrogen decreasing some fungi species. Impacts of nitrogen on fungi in Swedish beech forests showed reductions in mycorrhizal fungi, but increases in decomposing fungi (Ruhling and Tyler 1991). Arnebrant (1994) reported a 50 % reduction in

mycelium if nitrogen was limiting, but the effect was gone after one growing season, with a suggestion that the amount of available nitrogen is regulatory on mycelium production. While some changes in mycelium might occur in hardwood forests treated with nitrogen and phosphorus fertilizers, these will likely be short term changes based on the meta-analyses done to synthesize the various results represented in the literature (Treseder 2004, 2008).

PRESCRIBED BURNING FOR REFORESTATION

COMMENT 1-F:
prescribed burning creates unhealthy air filled with fine particulate matter. such fine particulate matter

FOREST SERVICE RESPONSE #12:
Increased levels of prescribed burning of oak seedbeds were evaluated to promote oak regeneration on sites where ecologically fire dependant species have developed. Native American use of fire concentrated along the major river corridors is believed to have greatly contributed to the present distribution of oak on the ANF (Brose unpublished, Ruffner and Abrams 2002). New science indicates the shelterwood burn technique would be more effective in maintaining the oak types on the ANF than past methods (Brose *et al*. 1999b) ((USDA-FS, 2007b, p. I-9).

Prescribed burning responds to the purpose and need statement for oak regeneration on pages 9 and 10 of the EA. The analysis of prescribed burning on Human Health and Safety is provided in Chapter 3 of the EA. A burn plan would be prepared at the time the burning is planned to reduce and smoke effects. In addition, Mitigation Measures are provided on page 18 of the EA to reduce potential smoke effects.

COMMENT 1-I:
are you planning to burn up the few bats still alive. this dirty air is no good for them either.

FOREST SERVICE RESPONSE #13:
Forest Plan Standards and Guidelines would be followed to protect bats. The prescribed burning window would be prior to bats returning to the forest from their hibernacula. As described in the Forest Biological Evaluation (USDA-FS 2007, p. 109), prescribed burning during the summer could result in Indiana bat mortality due to the actual roost tree being incinerated, or death or injury to bats being caused by smoke inhalation. Although this could result in take of Indiana bats, the likelihood of this happening is remote.

The following Mitigations for Bats would be implemented: 1) Implement Forest Plan Indiana bat S&Gs (USDA-FS 2007a, pp. 81-82, USDI-FWS 2007) in order to minimize potential harm or harassment to these species and to retain key habitat components on the stand and landscape level, and 2) Forest-wide monitoring for the Indiana bat as well as other bats will continue every three years as established in the Forest Plan. In addition, annual monitoring via acoustic transects will continue to gather data for all foraging bats across the Forest. Over time, this data may aid in measuring the effect of White Nose Syndrome (WNS) on bat distribution and abundance at the landscape level.

At the project level, Mitigation Measures on page 18 of the Morrison Run EA were provided specifically to protect bats. Mitigation Measure No.2 states "To minimize potential impacts to possible Indiana bat roost trees located on sites proposed for burning, slash would be pulled away from potential snag and live trees with sloughing bark prior to burning. Removal of fuels around potential roost trees would reduce flame height and heat intensity around these trees."

PRIVATE OIL AND GAS DEVELOPMENT

The following comments are related to private holdings of oil and gas development on the Allegheny National Forest and request for developing an Environmental Impact Statement.

COMMENT 2-B:
While the USFS has no authority over OGM activities on the forest, you must recognize the devastation wrought on the environment by this industry. Can your management activities not be modified to reflect and mitigate this destruction? Can you not preserve the few wild areas that have not been affected by the OGM activity?

COMMENT 3-C2: (FORM LETTER, SAME AS SCOPING FORM LETTER)
The context of the proposed action includes the huge impact that oil and gas drilling (including Marcellus Shale gas extraction) has had, and likely will have, in the project area and on the Allegheny National Forest including the massive impacts to water quality and quantity, air quality, the impact from noise (e.g., from compressor stations, trucks, and generators), and forest fragmentation.

COMMENT 3-C3: (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER), COMMENT 4-A3: (FORM COMMENT LETTER) COMMENT 5-D, 6C
In fact, The North County Scenic Trail is being relocated out of a native Mountain Laurel stand that will be obliterated (without any mitigation of its wildlife habitat) between Rt. 59 and Sugar Bay for Minard Run Oil Company's latest expansion.

Please see the heading TRAILS for a further response on trail management.

COMMENT 3-E: (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER), COMMENT 4-A4: (FORM COMMENT LETTER), 4-G: (FORM COMMENT LETTER), COMMENT 5-J
Further, the 2007 Forest Plan on which the Morrison Run logging project is based never considered (as a significant, primary issue) the impacts of oil and gas drilling (including Marcellus Shale gas) in the development of its management areas and its vegetative management plan. Therefore, analysis of these impacts is not reflected in the decision for the proposed actions in the project area including site-specific treatment areas (defined in the scoping notice for the Morrison Run Project in Tables 1through 7, and on Maps 1 through 3). Therefore, this project cannot reflect management that is in the best interest of ecosystem

health because it is not based on NEPA compliant analyses that consider the huge impact of oil and gas drilling on the Allegheny National Forest ecosystem.

COMMENT 3-F: (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER), COMMENT 4-I, COMMENT 5-L

The Forest Service must prepare an EIS for this project that analyzes the impacts of oil and gas drilling, including the cumulative effects on local and regional air quality in the context of climate change, and the cumulative effects of noise. Analysis for this project must not rely on analysis that is not NEPA compliant such as the white-papers that the Forest Service has been referencing for other logging projects this year (i.e., Coalbed Run, De Young, and Southwest Reservoir).

COMMENT 4-A2: (FORM COMMENT LETTER)

The context of the proposed action includes the huge impact that oil and gas drilling has had, and likely will have, in the project area and on the Allegheny National Forest including the massive impacts to water quality and quantity, air quality, the impact from noise (e.g., from compressor stations, trucks, and generators), and forest fragmentation.

COMMENT 4-H: (FORM COMMENT LETTER)

Therefore, analysis of these impacts is not reflected in the decision for the proposed actions in the project area including site-specific treatment areas (defined in the scoping notice for the Morrison Run Project in Tables 1 through 7, and on Maps 1 through 3). Therefore, this project cannot reflect management that is in the best interest of ecosystem health because it is not based on NEPA compliant analyses that consider the huge impact of oil and gas drilling on the Allegheny National Forest ecosystem.

COMMENT 5-C, COMMENT 5-K

The Forest Service must prepare an Environmental Impact Statement (EIS) for the Morrison Run Project because the context and intensity of the proposed action meet the requirements of significance as outlined in 40 CFR 1508.27. The context of the proposed action includes the huge impact that oil and gas drilling (including Marcellus Shale gas extraction such as the Royal Dutch Shell well planned for Warrant 5573 within the project area) has had, and likely will have, in the project area and on the Allegheny National Forest including the massive impacts to water quality and quantity, air quality, the impact from noise (e.g., from compressor stations, trucks, and generators), and forest fragmentation.

COMMENT 6-C

The Forest Service must prepare an Environmental Impact Statement (EIS) for the Morrison Run Project because the context and intensity of the proposed action meet the requirements of significance as outlined in 40 CFR 1508.27. The context of the proposed action includes the huge impact that oil and gas drilling has had, and likely will have, in the project area and on the Allegheny National Forest including the massive impacts to water quality and quantity, air quality, the impact from noise (e.g., from compressor stations, trucks, and generators), and forest fragmentation. Further, the Forest Service knows that unconventional Marcellus shale gas wells are planned for the project area and the cumulative effects area

including the Royal Dutch Shell wells planned for Warrant 5573, and Mead Run, but has chosen to ignore these planned developments in the EA.

COMMENT 7-F

e. The Forest Service must develop a broad range of alternatives during their analysis process. The Forest Service must consider at least one alternative that seeks to offset the impacts of oil andgas development, protects and restores watersheds that have been severely altered by oil and gasdevelopment, and maintains species viability.

Please also see the heading Alternatives for further responses to Alternatives.

COMMENT 7-J

g. The Forest Service must conduct an EIS to analyze the dangers to the environment and humanhealth of modern gas drilling, including the use of hydraulic fracturing. Scientific reports have beensubmitted by Damascus Citizens and the Delaware River Keeper Network to the Delaware RiverBasin Commission during official public hearings. This research outlines dangers to theenvironment and human health. Further, the decision in Stevens County v. United States DOI asserts that when there have already been scientific studies showing that an activity such as oil and gas drilling impairs stream quality, that information cannot be ignored when considering the cumulative effects in the context of an agency's proposed action. If the consequences of OGM activity on water quality are already known, the Forest Service cannot ignore it.

FOREST SERVICE RESPONSE #14:

The decision to be made for the Morrison Run project is whether or not to manage vegetation and other natural resources in the project area to move from current conditions towards the desired conditions identified in the 2007 ANF Forest Plan. It is designed to meet the purpose and need statements provided on pages 8 through 11 of the Morrison Run EA. The project does not propose oil and gas development (OGD). The decision for this project will not involve the approval of private oil and gas drilling or revision of the Forest Plan.

The project is consistent with the 2007 ANF Forest Plan, which was affirmed by the Chief‟s 2008 appeal decision. The Morrison Run project analysis also incorporated the best available science and information as summarized in the "Programmatic Effects of Private Oil and Gas Activity on the Allegheny National Forest" and the "Site-specific Effects of Private Oil and Gas Activity on the Allegheny National Forest" documents located in the Morrison Run project file. These unpublished documents comprehensively address the issues pertaining to private oil and gas development from the Chief‟s 2008 appeal decision, as well as the direct, indirect, and cumulative effects of private oil and gas development on the ANF. The EA, Appendix D of the EA and project record documents that the Forest has taken a hard look at the cumulative effects in the analysis area and considered the effects of past, present, and reasonably foreseeable actions, including private oil and gas development. The cumulative effects upon recreation, water, air, and wildlife have all been specifically addressed.

Suspension of vegetation management in this project area is not in the best interests of the natural resources in the project area involved nor is it required by law. To the contrary, the

Multiple-Use Sustained-Yield Act of 1960 directs the Secretary of Agriculture to "*develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained there from.*"

The analysis of effects to resources as a result of the proposed actions is provided in Chapter 3 of the Morrison Run EA. Privately owned oil and gas developments were evaluated in Appendix D of the Morrison Run EA and the potential cumulative effects (the combination of effects from mineral developments, as well as the proposed actions by the Forest Service, and any other activities in the Cumulative Effects Analysis Boundary were disclosed in chapter 3 of the Morrison Run EA, by resource.

COMMENT 7-B

2. NEPA Violations a. 2007 ANF Forest Plan FEIS never considered oil and gas development a significant issue, and developed its vegetative management plans without that extremely important context. During the De Young Project Appeal Resolution meeting (1 April 2011), District Ranger Fallonexplained to ADP representatives that energy is a public use of the forest. If energy is considered a "public use" NEPA requires that the Forest Service evaluate all effects when considering whether or not there is a significant impact.

FOREST SERVICE RESPONSE #15:

The Morrison Run project does not include any oil and gas development (OGD) proposals or involve the management of private OGD on the ANF. The amount of development is compiled and their combined potential effects with the proposed actions are analyzed under the cumulative effects analysis for defined resources in Chapter 3. Additional supporting information is provided in the project record. Private OGDs are regulated by the Pennsylvania Department of Environmental Protection. For more State information: http://www.portal.state.pa.us/portal/server.pt/community/public_resources/20303

COMMENT 6-J

Therefore, analysis of these impacts is not reflected in the decision for the proposed actions in the project area including site-specific treatment areas (defined in the scoping notice for the Morrison Run Project in Tables 1 through 7, and on Maps 1 through 3). Therefore, this project cannot reflect management that is in the best interest of ecosystem health because it is not based on NEPA compliant analyses that consider the huge impact of oil and gas drilling on the Allegheny National Forest ecosystem.

FOREST SERVICE RESPONSE #16:

We believe that this project is in the best interest of ecosystem health which is defined through the purpose and need for the project, provided on pages 9 to 11 of the Environmental Assessment. The purpose of the project is to meet these Forest Plan goals and objectives and achieve the desired conditions for the management areas in the Project Area. The analysis is tiered to the ANF Forest Plan and Record of Decision (ROD) (USDA-FS 2007a); and Final Environmental Impact Statement (FEIS) (USDA-FS 2007b). Chapter 3 of the FEIS provides an analysis of the following resources on the ANF and is incorporated by reference into this EA (USDA-FS 2007b): Air; p. 59, Economics; pp. 399-443, Heritage; pp. 380-384, Human health and safety; pp. 419-443, Hydrology; pp. 22-51, OGD; pp. 3-7, Recreation; pp. 296-

328, Scenery; pp. 370-380, Soils; pp. 7-21, Transportation; pp. 64-74, Vegetation; pp. 77-179, Habitat; pp. 194-204. In addition, the approved EAs and EISs listed in Chapter 1 of the EA provide information to support this analysis. Supporting information on private OGD on the Forest is provided in the following white papers: *Programmatic Effects of Private Oil and Gas Activity on the Allegheny National Forest* (USDA-FS 2010a, unpublished) and *Site-Specific Oil and Gas Development on the Allegheny National Forest* (USDA-FS 2010b, unpublished). Supporting resource analysis for air, soils, vegetation, wildlife and transportation are located in the project record. The Biological Assessment (BA) for Federally Listed Threatened and Endangered Species and the Biological Evaluation (BE) for Regional Forester Sensitive Species are provided in Appendix C.

This proposal does not include any private oil and gas development. The proposed activities were designed to comply with applicable federal and state laws and regulations and be consistent with the programmatic direction set forth in the ANF Forest Plan. Water quality effects and their mitigation were foremost in mind in the design and development of project activities and mitigation. Appropriate standards and guidelines, and state BMPs, will be applied, and the analysis shows that effects on water quality will not be significant. Monitoring data, experience with similar projects, and field observation support the agency's finding that the mitigation will ensure that water quality effects are not significant.

COMMENT 4-A4: (FORM COMMENT LETTER)

Further, the Forest Service knows that unconventional Marcellus shale gas wells are planned for the project area and the cumulative effects area including the Royal Dutch Shell wells planned for Warrant 5573, and Mead Run, but has chosen to ignore these planned developments in the EA.

FOREST SERVICE RESPONSE #17:

The commenter is referring to a Marcellus Shale proposal within the Upper Kinzua Project where a Decision Notice and FONSI were made available to the public on June, 2011. The Marcellus proposal was received after the decision to implement the vegetation project was signed. A Supplemental Information Report was developed and is located in the project record.

COMMENT 7-G

d. The Morrison Run Project cannot satisfy its NEPA obligations by tiering to orincorporating by reference unfinished NEPA analysis. The analysis for the Morrison RunProject cannot rely on unpublished, unfinished analyses which themselves have not completed theNEPA process. Two documents, which are not NEPA compliant, have been relied on in the otherfour logging projects being processed this year including, Pine Bear, De Young, SouthwestReservoir, and Coalbed Run. These projects rely on, or tier to, or incorporate by reference, theProgrammatic Effects of Private Oil and Gas Activity on the Allegheny National Forest (USDA-FS2010, unpublished) [the Supplemental Environmental Impact Statement (SEIS)] and Site-SpecificOil and Gas Development on the Allegheny National Forest.

FOREST SERVICE RESPONSE #18:
The Morrison Run EA incorporates by reference and does not tier to the "Programmatic Effects of Private Oil and Gas Activity on the Allegheny National Forest" and the "Site-specific Effects of Private Oil and Gas Activity on the Allegheny National Forest" documents. These documents are part of the project file and were available to the public during the 30-day comment period. They present the best available scientific information on the status and projections of private OGD on the ANF and set forth the best available scientific information on OGD environmental effects. Both documents are referenced in the EA.

COMMENT 7-I

f. The impact of Marcellus Shale gas drilling must also be considered as part of the local context of the Morrison Run Project regarding 40 CFR 1508.27. There are at least 16 Marcellus Shale Gaswells, planned, permitted, or currently under operation within the ANF Proclamation Boundary (at least five of these are on ANF lands) and many more in the four county area of the ANF. There will clearly be impacts to the Morrison Run Project area and cumulative effects area from Marcellus Shale gas drilling. Marcellus gas producers need as many as one compressor for every three producing Marcellus gas wells. Drilling pads in Pennsylvania may have as many as 10 wells. In Colorado Marcellus Shale gas well pads may contain 30 wells. Compressor stations are located close to the producing wells. Cancer causing formaldehyde and HAPs from these facilities will be major air pollution factors, in addition to noise and other air quality issues.

FOREST SERVICE RESPONSE #19:
Shortly before the publication of the Draft Environmental Assessment report, new information was received for deep well drilling within the project area. This new information was incorporated into the EA and Appendix D. The potential for cumulative effects are disclosed in the Morrison Run EA, Chapter 3. This project does not include any OGD proposals or involve the management of private OGD on the ANF. Private OGDs are regulated by the Pennsylvania Department of Environmental Protection. For more State information:
http://www.portal.state.pa.us/portal/server.pt/community/public_resources/20303

COMMENT 7-K

3. Illegal Water Withdrawal The USFS must, as riparian owners, stop the illegal withdrawals of surface water by the oiland gas industry on the ANF. Under Pennsylvania riparian common law, only the riparian landowner has the right to withdraw water from sources on their land for their uses on that particular property.The Pennsylvania Supreme Court has made clear that: [T]he diversion of water from its natural course in a stream by a riparian owner for purposes otherthan those incident to the proper enjoyment of the riparian land is unlawful. The upper riparianowner has a right to the use of the water of the stream on his land for any legal purpose, provided hereturns it to its channel without contamination or substantial diminution[.] . . . It is settled law thatriparian owners have no ownership of running water, nor have they any right to divert or sell it forgeneral use, and are limited in their own use of it to ordinary purposes incident to the enjoyment ofthe riparian land, and in

exceptional cases to what is called extraordinary uses upon the land itself,provided such extraordinary use does not materially diminish the flow of the stream or impair thequality of the water. But the extraordinary use must be upon the riparian land and this is the utmostlimit to which our cases have gone. (Scranton Gas & Water Co. v. Delaware, L. & W. R. Co., 240 Pa. 604, 609,1913). In other words, on the Allegheny National Forest, only the Forest Service has the right to withdrawwater from water sources on or flowing through the Allegheny. Oil and gas companies on the otherhand, not being riparian landowners, have no right to make use of the water on or flowing throughthe Allegheny. Furthermore, any water withdrawals on private in-holdings upstream fromAllegheny National Forest surface lands, even if lawful, are nonetheless held to a standard ofreasonable use. As a riparian owner, the Forest Service, a federal agency, has considerable interests in the watersthat flow through the lands that comprise the Allegheny National Forest. In fact, the ANF wascreated by President Coolidge's proclamation in 1923 for watershed protection. Indeed, thoseinterests diverge from that of an ordinary individual landowner as the Forest Service is charged withadministering the Allegheny National Forest in the public interest and protecting the forest's surfaceand water resources. Accordingly, the Forest Service has an obligation to prohibit unauthorized usesof the Allegheny National Forest's surface and water resources. If an oil and gas company operatingon the Allegheny National Forest throws a hose into a river, stream or pond to withdraw water forits oil and gas drilling activities, that company is engaging in unlawful conduct, regardless of any"permit" issued by the DEP. In other words, the Forest Service has an obligation to prohibit privateoil and gas companies from taking water that they have no legal right to.

FOREST SERVICE RESPONSE #20:
This project does not include any OGD proposals or involve the management of private OGD on the ANF. Water withdrawals for OGD are managed by the Pennsylvania Department of Environmental Protection. For more State information:
http://www.portal.state.pa.us/portal/server.pt/community/public_resources/20303

See the response to 3H for a response to the development of Alternatives.

WILDERNESS PROPOSALS

The following comments reference a Citizen's Wilderness Proposal that was previously analyzed in the ANF Final Environmental Impact Statement and Record of Decision (USDA FS 2007).

COMMENT 2-C:
The Morrison Run Project is the first ANF project that shows a clear disdain for the Friends of the Allegheny Wilderness' Citizen's Wilderness Proposal for Pennsylvania's Allegheny National Forest--a dark day for the forest indeed.

COMMENT 3-A2, – (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER), COMMENT 5-A2, COMMENT 6-A2

The Morrison Run Project, a large portion of which has been proposed for wilderness by both the Allegheny Defense Project, and the Pennsylvania Wilderness Coalition, calls for almost 5,000 acres of even-aged management (i.e., commercial harvest, releases, site prep, with over 2,000 acres affected by treatments), almost 11 miles of road construction, over 1,366 acres of herbicide application, and other "treatments."

COMMENT 3-B – (FORM COMMENT LETTER, SAME AS SCOPING COMMENT FORM LETTER)

The proposed action is inapposite to an area of the Allegheny that provides Wilderness characteristics, national trails and byways, popular public scenic and recreation areas, and multiple high-quality, cold-water streams and naturally reproducing trout streams.

COMMENT 5-B, 6-B

The proposed action is inapposite to an area of the Allegheny that provides Wilderness characteristics, national trails and byways, popular public scenic and recreation areas, and multiple high-quality, cold-water streams and naturally reproducing trout streams.

COMMENT 7-H

e. Analysis fails to consider the impacts on an area that has wilderness characteristics and that has been proposed as a wilderness area by both Allegheny Defense Project and the Pennsylvania Wilderness Coalition. A 5,000 acres of even-aged management (commercial harvest, releases, site prep), almost 11 acres of road construction, 1,366 acres of herbicide application, and other "treatments" will have deleterious impacts on the wilderness characteristics of the area. In addition, the project area is directly adjacent to Tracy RidgeNational Recreation Area and the Sugar Run/Chestnut Ridge proposed wilderness area. The projectarea also includes Kinzua Bay, Chappel Bay, Rimrock, Kinzua Beach, Kinzua Heights, Pine Grove,Morrison Run, the National Scenic Byway, the North Country Trail, and the Morrison Trail. The proposed action is inapposite to an area of the Allegheny that provides Wilderness characteristics, a national scenic hiking trail and multiple high-quality, cold-water streams and naturally reproducing trout streams. The context and intensity of the proposed action meet the requirements of significant impact as defined by 40 CFR 1508.27.

FOREST SERVICE RESPONSE #21:

The project was developed around the purpose and need statements provided on pages 8 to 11 in the Morrison Run EA. It is intended to meet the goals and objects provided in the 2007 Forest Plan documents for the defined management areas. The 2007 Record of Decision and Forest Plan already decided the appropriate activities for this area. A detailed Wilderness Area Evaluation during the development of the Forest Plan, Final Environmental Impact Statement (2007) determined that the Morrison area was not appropriate for wilderness designation. It is presently managed as Management Areas 2.2 and 3.0 (FEIS Appendix C, pp. C-25, C-30).

TRAILS

COMMENT 4-L: (FORM COMMENT LETTER), COMMENT 5-O, 6-N

Although the Forest Service did acknowledge the impact of logging on the North Country National Scenic Trail and on the Morrison Run Trail, and reduced the acres proposed for logging to 40 acres or under in Alternative 3 (which ultimately drops 280 acres from logging and herbicide application), Alternative 3 does not address the significant impacts outlined above which were ignored by the Forest Service during scoping.

FOREST SERVICE RESPONSE #22:
The trails analysis is provided on Pages 26, and Pages76 through 81 and is tiered to the ANF Forest Plan and Record of Decision (ROD) (USDA-FS 2007a); and Final Environmental Impact Statement (FEIS) (USDA-FS 2007b). Chapter 3 of the FEIS provides an analysis of Recreation; pp. 296-328, and Scenery; pp. 370-380. In addition, the approved EAs and EISs listed in Chapter 1 of the EA and the project record provide information to support the analysis. Standards and Guidelines of the 2007 ANF Forest Plan provide design criteria for ANF trails. Both alternatives 2 and 3 would result in a short-term disruption of trail use, with alternative 3 having the lesser disruption. However, alternative 2 would treat stands affected with beech bark disease and overgrowth of beech brush, resulting in a long-term positive effect for hikers.

REFERENCES

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